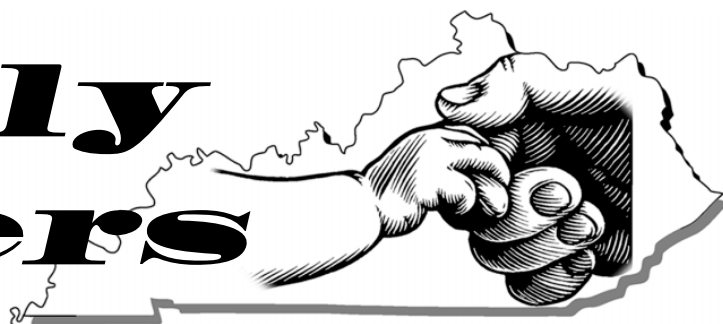

Family Matters



Quarterly News & Information About Kentucky's Family Courts

September 2000

Motion Hour Mediation in Family Court

Judge Juda Maria Hellmann

THIS ISSUE

Motion Hour Mediation Pilot Project

The History of Pretrial Services

SJI Grant Update

2000 Chief Justice Special Award

Upcoming Events

Family Court Site Updates

Kentucky Family Court Team Presents Nationally

Families In Transition Program

Judge Joan Byer Receives Award

Kentucky Paternity Acknowledgment Program

Developing Parent Court-Connected Divorce Education Programs



My first experience with Alternative Dispute Resolution was in 1979, when I was trained as a mediator in Albuquerque, New Mexico. After I graduated from law school, I returned to Louisville full of enthusiasm for involving practicing attorneys in alternative dispute resolution, including mediation. In that vein I helped draft the mediation rule found in the Jefferson Family Court Rules. I never dreamed that we would still be educating professionals and the public about mediation in the year

2000. Even more surprising is that the climate in Jefferson County is about fifteen years behind that of the rest of the United States. Attorneys are engaged in alternative dispute resolution in most parts of the country through mediation centers, bar associations, private mediation services, court-annexed mediation, mini-trials, arbitration, and family-based decision making.

As a Family Court Judge, I have initiated a pilot project in my court using mediation during motion hour. It is called "Motion Hour Mediation." Parties do not have to wait for a Commissioner's hearing or an appointment with a mediator, and its purpose is to allow parties to resolve disputes as soon as possible. Motion hour mediation is a pro bono service for litigants. Attorneys or pro se individuals can file a motion requesting motion hour mediation for the following Monday. On the following Monday, when both the parties and the attorneys are present, mediation takes place in the courthouse. Even if counsel or the parties do not request motion hour mediation, I select certain cases for Motion Hour Mediation. The mediators are selected from the Family Court list of approved mediators, which includes non-attorney and attorney mediators. These mediators have been trained pursuant to Jefferson Family Court Rules of Court Practice and Procedure (JFRP), specifically JFRP 509(F), the Family Court rule pertaining to the training of its mediators.

Kentucky's family matters is a forum for the exchange of ideas and information relevant to family courts. The viewpoints expressed in the articles submitted do not necessarily represent the viewpoint of the Administrative Office of the Courts. The Dept. of Family Court does not guarantee the accuracy of the information contained in submitted articles and is not responsible for any errors, omissions, or results obtained from use of the information.

I believe mediation, in its true form, does not include mediators who dictate the parties' agreement. Parties need to be heard by a third party mediator and guided to make their own decisions. Statistics prove that parties are more likely to follow a mediated decision than a decision rendered by a judge. The parties retain a vested interest and ownership in the mediated agreement. They were a part of the decision-making process, understood it, and agreed to the terms. Furthermore, mediation often fosters emotional healing in disputes and allows many more issues to be addressed than could be brought before the judge.

Effective facilitation of the process by the mediator is critical to a successful outcome. A good mediator listens to both sides and leads the parties to a decision that they both are able to live with and carry out. The attorneys representing the parties are integral to the mediation process. Attorneys can guide their clients in reaching an agreement determined by the clients' needs and desires. But attorneys can be a hindrance in some cases if they adhere stringently to the law rather than following one's clients' needs or expectations. Attorneys, who are trained as advocates, sometimes adopt a "winner take all" attitude instead of a "common ground" attitude.

Mediation rules in Jefferson Family Court provide that the parties and their respective counsel **shall** participate in mediation, unless waived by court, prior to any proceedings (including post-decree) which contain disputed issues regarding custody, visitation, property, debt and/or maintenance. JFRP 509 (A), (B),(C), and (E). I believe that any dispute, conflict, or divorce can be mediated. These rules reduce the demand for scarce judicial and court time. More importantly, mediated decisions are in the best interest of the parties and their families as they provide a more speedy resolution that is more likely to be followed by the parties.

Parties and counsel need to know that KRS 403.036 prohibits mediation if a finding of domestic violence or abuse has been made in a particular case. The victim can waive this rule, if it is in the victim's best interest. There are other methods of mediation used throughout the United States. For example, non-confrontational mediation can be used. It is a process in which the parties never see each other since mediation takes place with the parties in separate rooms. Another method involves mediation occurring in the court room with a sheriff in lieu of a judge. These are alternatives for attorneys and clients to consider in cases where statutes prohibit mediation because of a finding of domestic violence or abuse.

The mediation rule for Jefferson Family Court is explicit and mandatory. JFRP 509 appears on page thirteen of the Family Court Rules of Court Practice and Procedure. All family law attorneys need to be aware that the parties and their counsels must participate voluntarily in mediation in order to reach an agreement on any contested issues. This voluntary dispute resolution is conducted prior to and is in lieu of being referred to mediation by court order. I consistently see parties and attorneys in my Court prior to any attempt to attend mediation. Attorneys have not developed the habit of referring their cases to mediation prior to a court order. The rules in Family Court are simple. Mediation is mandatory in the above issues, and mediation is mandatory prior to any court order.

The Mediation Review Committee of Family Court has reviewed a proposal submitted by several attorneys who are also mediators to address the motion hour mediation pilot project and pre-court mediation. The goal is to develop motion hour mediation so that it becomes county wide and practiced without court orders. The Family Court Judges and the Mediation Review Committee respectfully remind attorneys about the mandated use of mediation under the current rules. I welcome motions requesting Motion Hour Mediation, held on Mondays at 10:30 a.m., within my alphabetical breakdown Ti-Z. The two conference rooms in front of my court room are where the motion hour mediation usually takes place.

The History of Pretrial Services Division Administrative Office of the Courts

Starkey Ray/ Manager Pretrial Services

The Pretrial Services Division of the Administrative Office of the Courts began operating in June 1976 to assist the judiciary in making informed decisions related to pretrial release. This action was taken to eliminate the practice of commercial bail bondsman. Studies indicated no relationship between the posting of money bonds and pretrial release compliance with the conditions imposed by the court. The issues related to pretrial release conditions are detailed in the Rules for Criminal Procedure (RCr 4.00 - 4.58).

Pretrial Officers must contact defendants, offer services, and present information to the court for consideration of release within twelve hours of arrest. Our staff will go to each holding facility, where defendants are being detained, collect information related to community ties, prior court contact, and present standardized data to each court for consideration of release. This information will attempt to define the defendant's ties to the community, risk of flight and danger to the community. Pretrial Officers must offer to take information from defendants to determine qualification for the service of a public defender.

In addition to these steps, the Kentucky Supreme Court has authorized a Uniform Schedule of Bail for some misdemeanors detailed in Appendix A of the Rules of Criminal Procedure. Defendants charged with offenses under this schedule can post this bond unless a specific bond is mandated on the warrant from the court.

Family Court Procedures

If a family court judge signs a warrant for the arrest and detention of a defendant before his/her division, a Pretrial Services Officer (PSO) will conduct an interview and present that information within twelve hours of arrest. If a PSO is unable to

contact the judge directly related to this review they will attempt to contact a judge with concurrent jurisdiction, including the Chief Regional District or Circuit Court Judge.

If, for any reason, the on call judge for one's jurisdiction cannot be located, a Pretrial Officer will attempt to contact the family court judge for review of cases in which family court has jurisdiction.

A Pretrial Officer will meet with family court at your convenience, to answer any question or concerns that may be related to procedures in your jurisdiction.

For more information about Pretrial Services contact Starkey Ray, 100 Millcreek Park, Frankfort, Kentucky 40601 or call (502) 573-2350.

SJI GRANT UPDATE

From the Research Desk.....

Ken Mattingly/Family Court Grant Coordinator

Since we last communicated, numerous grant related activities have occurred relative to our State Justice Institute and Department of Family Courts sponsored research which will focus upon rural family courts administration. A decision has been made to review the five (5) newly created Kentucky family courts for the study. These selections include two (2) courts initiated in 1998 and three (3) from the 1999 start up period. Accordingly, Warren and Pike Family Court were selected along with Floyd, McCracken, and Pulaski, Lincoln, and Rockcastle Family Court for the purpose of conducting a detailed process evaluation. Although one may make a legitimate argument that both Warren and McCracken counties may have a suburban orientation, all of these jurisdictions are classified as rural entities as defined by the U. S. Census Bureau based upon criteria applied through the most recent Standard Metropolitan Statistical Area formula.

In selecting these particular family courts various factors were considered. Among these were

geographic diversity, rural / suburban combinations, multi-county vs. single county structure, representativeness, typicality, and population / resource comparability. By including Pike and Floyd counties in the study one would naturally generate an optimal comparison base due to their rural, geographic similarities. Also, both of these jurisdictions have exhibited progressive natures during the course of the implementation process. With this decision confirmed, the family courts based in McCracken and Warren counties were then selected. Finally, because of its multi-county constituency, the Pulaski/Rockcastle/Lincoln Family Court was chosen. This particular situation offers an evaluation researcher an opportunity to examine issues such as caseload management, resource development, and staffing in a tri-county area.

Two (2) researchers have been retained by the Administrative Office of the Courts to conduct the proposed evaluation project. Both Dr. Joe Brown and Dr. van Zyl are from the University of Louisville. Dr. van Zyl came to U of L in January 2000 from Rand Afrikanns University in South Africa where he headed the Department of Social Work. He also held the position of Chair of all schools of social work throughout southern Africa. Dr. van Zyl pioneered the family advocate system in South Africa and trained all of South Africa's family advocates in mediation. His research specialties include program evaluation and construction of assessment instruments.

Dr. Brown represents the second member of our research team. After receiving his doctorate in counseling and child development Dr. Brown continued his academic career as an Associate Professor of Educational Psychology and Counseling at the University of Louisville. Dr. Brown has taught at various other postsecondary institutions. These include Indiana University, his alma mater, the University of Kentucky, the University of Wyoming and Brigham Young University. In the mid 1980's Dr. Brown co-founded the Family Therapy Program at the Kent School of Social Work. Professor Brown has been extremely instrumental in Kentucky's family court system

through program development and implementation. As a result of his involvement, Dr. Brown has introduced, to various jurisdictions, Families in Transition, a divorce education program along with Turning it Around, a program for unmarried fathers.

2000 Chief Justice's Special Service Award

In 1991, a decision was made by then Chief Justice Robert F. Stephens to start a family court in Jefferson County. Since that decision was made, Kentucky's family courts have grown to 10 in number, with 18 judges across the Commonwealth. According to Chief Justice Joseph E. Lambert, "the principal credit for the success of the family court in Kentucky belongs to Richard J. FitzGerald."



FitzGerald was honored with the Chief Justice's Special Service Award for his special contributions to the administration of Justice in Kentucky.

"Through the leadership of Judge FitzGerald," his plaque reads, "the Jefferson Family Court project has succeeded beyond any reasonable expectation with the families and children of Kentucky as the beneficiaries." FitzGerald, who has served as a District Judge since 1978, began with the Family court as special Circuit Judge in 1991. He served as Chief Judge of the Family Court Project from 1995 until this past April. FitzGerald,

nationally known as an expert in family courts, responded by saying, "No army can oppose an idea whose time has come."

A noted lecturer on family preservation, child abuse and neglect, and other child welfare issues, Judge FitzGerald has served as faculty for the University of Louisville School of Law, the Child Welfare Leadership Center at the University of North Carolina School of Social Work, and for the National Council of Juvenile and Family Court Judges.

Judge FitzGerald currently serves as a member of the Advisory Board of the National Association of Counsel for Children, the National Center on Addiction and Substance Abuse at Columbia University, the Child Welfare League Committee on Child Protective Services Standards, the Expert Work Group implementing Adoption 2002, and the President's Initiative on Adoption and Foster Care. He is a trustee of the National Council of Juvenile and Family Court Judges and is the past chairman of the Permanency Planning Committee. Judge FitzGerald has been active working with the American Bar Association, the National Center for State Courts and the National Council of Juvenile and Family Court Judges in implementing unified family courts models in Kentucky and nationally.

The less obvious costs that are more difficult to calculate are:

- * substance abuse
- * homeless
- * domestic violence
- * teen pregnancy
- * juvenile delinquency
- * lost family wages while dealing with these problems

Take a Walk on the Child Side!

The Court Appointed Special Advocate (CASA) Project of Jefferson County is recruiting volunteers to advocate for abused and neglected children involved in the family court system. Volunteers, who are appointed by the court and of at least 21 years of age, work with others involved with the case toward the child's placement in a permanent home. The basis of the CASA concept is that every child has a right to a safe, permanent home. Volunteers spend one to four hours per week on one case at a time. For more information about our next volunteer class, please contact the CASA office at (502) 595-4911 or e-mail us at casajc@aol.com.

The Costs of Child Maltreatment

When children's needs go unmet, consider the costs of providing the following:

- * hospitalization and medical services for injuries
- * child protection services
- * special education
- * foster care
- * rehabilitation programs

UPCOMING EVENTS

Circuit Judges College Oct. 16-19
Citizens Foster Care Review
Board Conference Nov. 17-19
Floyd & Pike Family Court
GAL Training Nov. 16
Floyd & Pike Family Court
Family Service Worker
Training Nov. 17

FAMILY COURT SITE UPDATES

CHRISTIAN ...

Jim Bailey

Court Administrator

The docket for Christian County Family Court continues to grow since the first cases were heard on October 11, 1999. We have met with much success in the use of mediation and settlement conferences. Court and staff continue to participate actively by assisting the parties in dissolution and custody matters to resolve their own issues.

Judge Hall participated in an appreciation luncheon on June 7, 2000 for area legislators. Also attending were the Christian County District and Circuit Court Judges.

Judge Hall, along with the other Christian county judges, is participating with the architect in the planning and design of the new Christian County Courthouse and Family Courtroom. Ground breaking ceremonies are planned for this fall.

Jim Bailey, Christian Family Court Administrator, is participating in a new program offered by Big Brothers and Big Sisters of Christian County, a mentoring program which matches one volunteer with one child through a local school. Jim visits the child for one hour each week during the school year, with the first half hour focused on school work and the second half hour building a relationship with each other. This experience has proven meaningful to not only Jim and the child, but to the other court staff as we have enjoyed his progress reports.

The Christian Family Court Toy Room for children of adoption and juvenile cases has met with much success. Family Court is now receiving contributions from local merchants, Big Brothers and Big Sisters and the Court Designated Workers Program.

Members of the Family Court Council, Barbara Meador and Claire DeAngelis, have assumed responsibility for furnishing the waiting room area with children's furniture and decorating the wall space with monthly cheerful themes.

Jennifer Chello, Christian Family Court Support Worker, is spearheading an art contest for children in our local schools. The subject of the art contest is "My Family." Judge Judy Hall and Jim Bailey received an enthusiastic response after meeting with local school officials. The winners of the contest will receive awards donated by the community and the children's art will be displayed in the offices of Family Court. The awards will be presented during an open house planned in September, the anniversary of Christian County Family Court.

In June, we welcomed two new staff members, Candice Hammons, Law Clerk, and Betty Underwood, Judicial Secretary. Candice is a native of Western Kentucky. She graduated from Regents University in Virginia in May of this year and is studying for the Kentucky and Tennessee Bar Exams. Betty, a native of Christian County, was formerly the secretary for Circuit Court Judge James E. Higgins, Jr.

FLOYD ...

Dovie Damron

Court Administrator

The Mediation Committee has completed its mission and mediation is now available for Family Court. This Committee compiled a listing of resources in our area and has made it available in pamphlet form.

The Dependency, Neglect, Abuse Committee assisted in obtaining a Big Brothers/Big Sisters charter in Floyd County. This committee is now working on establishing CASA through Big Sandy Human Services Coordinating Council and is making plans for sexual abuse awareness month.

Families In Transition began in June. Families can choose to attend at one of two sites. We will be having a training for additional facilitators in August, and hope to be able to offer a third site in the near future.

Judge Paxton has been involved in the following. On March 16th she participated in a Domestic Violence panel at the Mountain Arts Center. On March 24th and 25th she served on a panel of judges for the semifinals of the High School Mock Trial Competition in Frankfort. On April 12th and 13th she served as a member of a team from Kentucky Board of Bar Examiners evaluating the Appalachian College of Law in Grundy, Virginia. On May 16th and 17th she attended a seminar on new Child Welfare Regulations in Atlanta, Georgia. Chief Justice Lambert appointed Judge Paxton to the Child Support Enforcement Commission on June 26th.

LINCOLN/ROCKCASTLE/PULASKI...

*Lisa Rogers
Court Administrator*

Recently, our Family Court received some very exciting news. We have been granted two Juvenile Drug Court grants. The grants will go toward personnel, counseling, drug testing and operating expenses. Judge Lambert is volunteering her time to this program, which she thinks is an extremely important issue that must be dealt with in today's society. The program will be implemented in September.

The addition of new Family Court Rules for dissolution cases and the Families in Transition program have meant major changes for Family Court, attorneys and clients. Most affected were the secretaries of attorneys in this area. Therefore, the Family Court staff held training luncheons on this topic in all three counties. The meetings included an informal presentation and a question and answer period. The information was well received and all parties seem to have benefitted from the experience.

The Truancy Court Diversion Project begins September 6, 2000. Four Middle Schools in the three counties will be participating. The schools will select 10-12 students with a significant truancy problem to be invited to participate. If they accept the invitation, they will begin a 10 week program designed to motivate, educate and inspire. The alternative of a court appearance will be explained to them, but no one will be forced to participate.

School officials are enthusiastic and expecting a positive response. Prior to school starting, an orientation will be held for the students, parents and teachers to explain the program. The schools in all three communities have been very cooperative and are eager to see the program begin so we may make a difference to these children.

MADISON/CLARK ...

*Donna Barney
Court Administrator*

At last! The Madison/Clark Family Court



has a permanent home in Richmond. We moved into our newly renovated courthouse on April 11, 2000 and started hearing cases on May 1st, which appropriately was Law Day. We are very proud of our new courthouse and are always happy to "show it off." We have had several groups come to visit us including Leadership Madison County and The Growing Place Pre-School Class. We are in the process of planning an Open House, but if any of you are in Richmond, please feel free to stop by for a personal tour.

April was a busy month for our court. In addition to our move, we were also busy planning a Guardian Ad Litem Seminar and Dependency, Abuse and Neglect Training which were set for April 24th and 25th. Since we were still in the process of settling in, the City of Richmond graciously allowed us to use the City Commissioners' Courtroom for both sessions. There were approximately 40 people attending each session, and both attorneys and social workers told us that the sessions were not only informative, but interesting as well.

The Madison County Foster Care Review Board held its annual picnic for foster children and their families on May 21st at Boonesboro State Park, and our Family Court was asked to host the Face Painting Booth. While we were glad to help out, there was one small problem - no one in Family Court can draw!! We enlisted the help of Jeff Wells from Village Florist in Richmond, and he did an excellent job. The picnic was great fun for all of us, and it was wonderful to see the foster children and their families enjoy themselves.

Madison County is very fortunate to have the services of CASA (Court Appointed Special Advocates) volunteers in juvenile matters. On July 11th, four new volunteers graduated, and in a special ceremony, seven volunteers were honored for having completed one year of service with CASA.

We are planning to implement our FIT program in September and the training session for our facilitators is scheduled for August 11th. We have approximately 15 people signed up for the session and everyone is very excited about working with the program.

McCRACKEN...

Nita Pursley
Court Administrator

While the rest of the world may be slowing down for summer, McCracken Family Court is running full speed ahead. We have added new programs, adjusted our calendar to better use court time, and we are rearranging our office space.

Once the Advisory Council was established and functioning well, the next priority for Judge Sanderson was Truancy Court. The Truancy Court is established in the city and county middle schools and in five city elementary schools. The 1999-2000 school year was our first for Truancy Court. It was a big success and a learning experience. The Truancy Committee is meeting through the summer to prepare for the coming school year. The schedule and curriculum are in place and we have volunteer mentors to be at every session and to work directly with the families. District Judge Bard Brian has volunteered to help Judge Sanderson with Truancy

Court, allowing us to help many more children and their families.

We now have Mediation Rules approved and the judge is ordering mediation from the bench in a variety of cases. We have several mediators on our court-approved list.

Friday, June 16, 2000 we presented certificates to our four "Golden Grannies" at a volunteer appreciation day held at the local senior citizens center. These ladies volunteer time on each day we have dependency, abuse and neglect court to stay in the child's waiting room and supervise children whose parents have to testify in court. They read stories to the children and play games with them. Our "Grannies" make court a little easier for these children.

Our free Domestic Violence Information Sessions continue to be well attended. This class is conducted by Women Aware for the court. It gives people seeking an EPO information about domestic violence and explains how the court handles Domestic Violence Orders. Linda Terrell, Esq. from our county attorney's office makes an appearance at the beginning of Domestic Violence Court each week and explains the process to everyone appearing in court.

We now require the Families In Transition divorce education program for all dissolution of marriage cases with minor children. We have Saturday classes and weeknight classes at two different locations to fit most schedules. Although we have only been conducting these classes a couple of months, the course evaluations are mostly favorable.

Our Case Specialist, Lyell Collins, is organizing the "Turning It Around" program for McCracken Family Court. Dr. Joe Brown of the University of Louisville was here in June to offer advice and "Turning It Around" orientation for our facilitators. We will begin using this program for delinquent child support cases in the next few weeks.

The Status Offenders Committee of our Advisory Council has organized a program for families whose problems have brought them before the court, usually in juvenile court or in dependency, abuse or neglect cases. This educational program,

“Creating Lasting Family Connections” is taught at the courthouse Wednesday evenings by Joe Vance, from the Four Rivers Regional Prevention Center.

We are in the process, with the new chair of the Community Services, Resources and Counseling Committee, Mr. Mike Paul, of putting together a comprehensive resources guide to be distributed by Family Court.

Judge Sanderson and our Staff Attorney, Jane Osborne, are making changes to our Transitional Rules to make them the permanent rules. Before proceeding with that project, Judge Sanderson hosted a breakfast in the Family Courtroom for members of the Bar on June 13. The attorneys offered several suggestions, one of which was “breakfast more often.”

The Family Court Staff are all working with the new KY Courts program and learning as we go. We are also encouraging use of e-mail for faster communication and the net to do research when we have new projects or programs.

Most recently we have begun a new system of case management conferences using the staff attorney and the support worker. They are attempting to resolve a variety of issues including temporary motions, child support and visitation. We are patterning this after a successful program of this type in Christian County. This program is in its infancy so we don’t know how well it will work.



First Lady Judi Patton assists Family Court Judge Reed Rhorer in the ribbon cutting ceremony opening the Franklin Family Court. Also pictured on the far left is Circuit Judge Bill Graham and on the far right, County Judge Executive Teresa Barton.

Kentucky Family Court Team Presents Nationally

On June 26th through June 29th, Jefferson Family Court Judge Jerry Bowles was invited by the STOP Violence Against Women Grants Technical Assistance (STOP TA) Project to present his Judicial Response to Domestic Violence at their national conference held in Wilmington, Delaware. In attendance were teams of judges and their support staff from 26 states and territories.

Judge Jerry Bowles is a nationally recognized expert and speaker, as well as co-author of much of the recent domestic violence legislation. Judge Bowles was invited to showcase his innovative approaches to domestic violence intervention. Assisting in his presentation were support team members: Minette Adams, Assistant Family Court Administrator; Kathy Clemons, Family Court Support Worker; Marcia Roth, former Director of Jefferson County’s Office for Women; and, Deputy Sheriff J.C. Wantland. Their presentation included topics relating to Enhancing Judicial Response through Collaboration; System-Based Advocacy; Advocacy on Behalf of Individual Victims; Considerations in Establishing Specialized Domestic Violence Courts/Dockets; and Family Court Information Management Systems.

The STOP Violence Against Women Grants Technical Assistance (STOP TA) Project provides support to states and territories responsible for implementing the STOP formula grants awarded through the Violence Against Women Act. The primary goal of the STOP TA Project is to increase the quality and effectiveness of STOP-funded efforts to strengthen the justice system’s response to victims of domestic violence, sexual assault, and stalking. The Project emphasizes: victim safety and support; offender accountability; and the development of strong local and statewide collaborations between the justice system, community-based victim services, and advocacy organizations, and the community at-large.

Families In Transition Program In Jefferson County Expands

After offering the program for 8 years in Jefferson county, the Families In Transition (FIT) Program will again expand the program to include families with children ages 5-7 starting September, 2000. Currently, the program serves families with children ages 8 through 16. This is the second time the program has expanded to include more families in the program.

Begun in September 1992, Families In Transition started in Jefferson county as a court-mandated divorce education program for all families with children ages 5 through 16 (beginning September 1, 2000) who petition for divorce with Jefferson County Family Court. From 1992 through 1999, more than 4,000 families have been ordered into the program with more than 8,000 parents and more than 5,000 children attending.

FIT requires both parents and children to attend a 6-hour program designed to aid them in coping more effectively with children's issues regarding divorce. A fee of \$1.00 to \$50.00 is charged on a sliding scale. One parent and child(ren) attend concurrently but separate sessions, while the other parent attends the program at a separate time. The 6-hour program is divided into either two 3-hour or three 2-hour sessions. Each session is conducted by a trained facilitator in a community setting such as a Family Life Center of a church or a family agency. FIT participants may attend the program at the site of their choice.

Two major goals of FIT are to prevent or reduce a child's anxiety, aggression, depression and behavioral problems and to increase social competencies critical to children's post divorce adjustment.

Initially, the program was funded by a grant from the Norton Foundation, Inc. and is now funded by the Administrative Office of the Courts. Session fees are paid by the participant. The FIT program was designed by Dr. Joe Brown, Family Therapy program, Kent School of Social Work, University of Louisville and Jefferson County Family Court Support Worker, Mary Lou Cambron, in conjunction with several Family Court judges. The program in Jefferson county is administered jointly by Family Court and the University of Louisville. Gayla Fancher and Wanda Lewis, Program Coordinators for Family Court, and Mary Lou Cambron, FIT Education Coordinator, provide the site coordination and program information services.

The Families In Transition program curriculum was originally designed by Dr. Joe Brown and Dr. Carolyn Brown with input from the Louisville Bar Association (LBA), Family Law Section. The curriculum is periodically revised and updated with input from facilitators, staff and the FIT Advisory Committee, which includes representatives of the LBA Family Law Section. Program staff designed curriculum workbooks, which were implemented beginning October 1997.

The Families In Transition program has received national and international attention. It has been utilized as the model for developing a statewide program in Delaware, at 40 sites of the United States Army's Family Ministries and 60 other communities in the United States, Ireland and South Africa. In addition, the program is currently implemented in eight Family Courts throughout the state. Dr. Brown, along with Judge Steve Mershon, has met and trained facilitators and administrators in South Dublin, Ireland. In addition, Dr. Brown has worked with representatives in numerous Kentucky counties to implement divorce education programs for their areas.

Articles regarding the FIT program have been published in the Louisville Courier Journal, the Wall Street Journal and the Juvenile and Family Conciliation Courts Review. In a special issue regarding parent education in divorce and separation, the Family Conciliation Court Review recognized the Families In Transition programs as one of the three top programs in the country that offered a child's component.

Judge Joan Byer Receives Award

The Hon. Joan Byer, a Jefferson County (KY) Family Court Judge, received the first American Bar Association/Scripps-Howard Foundation Award for Distinguished Service to Literacy and Substance Abuse on Wednesday, June 14th during the Kentucky Bar Association's Annual Meeting.

Introducing Judge Byer, William Robinson, Member-in-Charge with Greenbloom Doll & McDonald PLLC and Past President of the Kentucky Bar Association (1985-86), praised Judge Byer for her "vision, commitment and leadership in addressing the problems of illiteracy and substance abuse."

Judge Byer received the award for developing and implementing the three-year old Truancy Court Diversion Project. Operating in 12 elementary and middle schools around the county, the truancy court convenes each week at the school, bringing parents and students with attendance problems before Judge Byer, who evaluated their cases and urges them to improve.

Judge Byer, as well as several other judges who volunteer their time for this program, has no judicial authority over the students, but school officials report that weekly contact with a judge, coupled with enhanced social services for families, results in higher school attendance. Moreover, as Robinson points out, there are numerous problems associated with low school attendance- substance abuse and literacy among them- which are effectively addressed by the program. Areas of focus include achievement, parenting skills, drug and alcohol concerns, literacy, domestic violence, wellness issues and other family problems.

"The justice system for years ignored the fact that both truancy and drug experimentation are early signs of a downward spiral," noted Robinson, who is Chair of the American Bar Association's Standing Committee on Substance Abuse, in his introductory remarks during the KBA's Presidents's Luncheon. "It makes sense that if you cannot read or write well, you are going to find few legitimate ways of making a decent living. Instead, there's a good chance you're going to turn to selling drugs or, to escape the despair of a hopeless life, taking them." In response to this problem, Joan Byer "decided to do whatever it takes to get truant children back on track at school," adds Robinson. "She tackles these problems child by child, week by week, making sure math homework is done, intervening when there is relapse into earlier patterns of behavior."

This approach, Robinson explains, is based on the strong connection between illiteracy and truancy. "A child who does not attend school quickly falls behind, soon arriving at a point where it therefore becomes futile and even painful for him to attend," adds Robinson. In addressing the origins of illiteracy, the program established by Judge Byer intervenes in the cycle of truancy, literacy and substance abuse by helping children to read and build other study skills at the very first signs of problems in school.

The ABA Standing Committee on substance Abuse and the Scripps-Howard Foundation established this award to honor a bar leader, judge or attorney who demonstrates outstanding achievement and efforts in the area of literacy and substance abuse. The award includes a trophy and \$5000 check to the program chosen by the recipient. Judge Byer has chosen the Truancy Diversion Program to receive this contribution. In addition to the award, the ABA Standing Committee on Substance Abuse and the Scripps-Howard Foundation are working in four cities (Cincinnati, OH; Kansas City, KS; Baltimore, MD; and Phoenix, AZ) to develop and implement model programs based on the truancy Diversion Program.

For more information, contact Gloria Danziger, Staff Director, ABA Standing Committee on Substance Abuse, (202) 662-1784.

The Kentucky Paternity Acknowledgment Program

Almost one of every three children born in Kentucky is born to unmarried parents. High rates of births to unmarried couples are closely related to elevated rates of child poverty and dependency on public assistance. Children who do not have a legal father also may be deprived of other benefits, such as the psychological security of knowing both parents, relationships with extended family members, social security and veteran's benefits, health insurance coverage, and access to their family medical history.

Since 1994, states have been required to offer voluntary paternity acknowledgment opportunities through hospital based programs. With the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, states were required to adopt additional laws to develop procedures for a simple civil process for voluntarily acknowledging paternity.

In response to the PRWORA requirements, Kentucky Revised Statutes 213.036, 406.021, 406.025, and 406.091 were revised by the General assembly in 1998. Under these statutes:

- * Hospitals are required to provide a written and an oral, audio or video description of the rights and responsibilities, the alternatives to, and the legal consequences of acknowledging paternity to unmarried parents.
- * Hospitals are required to make the Voluntary Acknowledgment of paternity forms available to unmarried parents and to assist them in completing the forms.
- * The voluntary acknowledgment of paternity forms designated by the Office of Vital Statistics are the only documents having the same weight and authority as a judgement of paternity. These are the 1998 revised versions of the VS-8, VS-8B, and VS-8C.
- * Voluntary acknowledgment of paternity creates a rebuttable presumption of paternity.
- * An unchallenged acknowledgment of paternity shall be ratified without the requirements for judicial or administrative proceeding.

Some parents may choose to go to either a local registrar or their local child support office to acknowledge paternity voluntarily if they did not do so in the hospital. Both of these offices can provide materials to inform parents what paternity acknowledgment means. Each can assist with the completion of forms and notarizing and forwarding forms to the Office of Vital Statistics.

The Cabinet for Families and Children, through a contract with Policy Studies, Inc., provides training, materials and technical assistance to all birthing facilities in the Commonwealth regarding voluntary acknowledgment of paternity. Policy studies Inc. also maintains the Central Paternity Registry and works with the local registrars, child support offices, community agencies and courts to increase the number of legal paternity establishments for children born to unmarried parents.

The Voluntary Paternity Acknowledgment Program provides a simple, convenient process that allows parents to acknowledge paternity without going to court. Through the collaboration of Kentucky's hospitals, local registrars, child support contracting officials, the Division of Child Support and the Office of Vital statistics the Commonwealth's children and families benefit.

If you have any questions about, or are interested in learning more about the Voluntary Paternity Acknowledgment Program, please contact the program office at the toll free number (888) 675-7425.

TOP TEN DIVORCE SONGS

- | | | |
|-----|--|-------------------|
| 1. | "DIVORCE" | Tammy Wynette |
| 2. | "WILL YOUR LAWYER TALK TO GOD FOR YOU" | Kitty Wells |
| 3. | "THANK GOD AND GREYHOUND YOU'RE GONE" | Roy Clark |
| 4. | "SHE GOT THE GOLDMINE AND I GOT THE SHAFT" | Jerry Reed |
| 5. | "DISTANCE BETWEEN ME AND YOU" | Dwight Yokum |
| 6. | "FIST CITY" | Loretta Lynn |
| 7. | "ANYTHING" | Hank Williams Sr. |
| 8. | "ANY MAN OF MINE" | Shania Twain |
| 9. | "MY WIFE THINKS YOU'RE DEAD" | Junior Brown |
| 10. | "HERE'S A QUARTER CALL SOMEONE WHO CARES" | Travis Tritt |

Random Thoughts by Children of Divorce

I just wish you would stop fighting . When you fight I feel small and powerless. I have enough on my mind. It is not easy moving from home to home. I'm not always sure where I'm supposed to be... I don't always know where to tell my friends to call... I worry about leaving homework or books at the wrong house.

I wish you would not say bad things about each other. I don't care to hear bad things about my parents from you or anyone else. I don't even care if what you are telling me is true, I just don't want to hear it.

I hate when you two want me to take sides. I don't want to take sides. I am not on either side. I don't know why you two are getting a divorce and don't want to know. I don't want to be in the middle and I don't want either one of you to tell me to tell the other one to do something or not to do something or visit or not visit. I am ____ years old. Sometimes I think this is all my fault even when you tell me it isn't.

I don't want to be a messenger. If you two have things to say to each other simply say them to each other and don't involve me.

I want my privacy. When I am talking to my friends or when I am talking to one of you I don't want the other one butting in. When I am on the phone I don't want either one of you listening in or even to be in the same room.

I also don't want to hear about money problems. I know you two have to work that out, but I don't want to hear about it. It seems to me there is a lot of money being spent on fighting.

Lastly, I know you two are different and I accept the fact that there are different rules at each house and that you treat me differently. I don't see that as good or bad, I just think it is different. I don't like it when one of you tries to make me feel like what the other one does that is different is bad. You need to understand that it is just different. I know that when I grow up and have kids I may do stuff like mom and some stuff like dad, but I hope I don't fight like the two of you do so your grandchildren won't have to go through what I have had to go through.

Developing Court-Connected Parent Divorce Education Programs

Guidelines For Communities

Part III of IV

Mary Lou Cambron , MSSW

Pamela A. Yankelov, Ph.D.

Joe H. Brown, Ph.D.

This article is the third in a four part series answering a myriad of questions that program providers and communities might consider when developing a divorce education program for parents. In this issue we will discuss program participants and participation and special needs that the program may encounter.

VII. Program Participants and Participation

When will the clients be ordered into the program?

The best way to refer clients to the program is at the time the petition for dissolution is filed. Additionally, attorneys are crucial to this phase of the process because they inform their clients about the requirements of the program. In most circuits, the divorce education program must be completed before a final hearing date on the divorce proceeding is scheduled.

What information do you want to give the clients when they are ordered into the program?

You may want to include more information about the program than would be necessary to accomplish the referral. The clients will need to know how to make a reservation; where the sites are located, including a map; the dates and times the program is offered at a particular site; and what is expected of them as participants. They will also need a telephone number they can call if they have questions. You will need to determine if childcare will be provided. Services should be on site and free of charge, if possible. You will need to develop that information prior to implementing the program. This can be accomplished by creating brochures, flyers, and information sessions summarizing the program. There must be a rule or statute to provide information regarding the referral process if the court mandates the program. This local rule or statute can be disseminated to the attorneys who will be having contact with clients who are mandated to the program.

Do the judges (if more than one judge) agree on what are reasonable causes for exempting a client from attending the program?

When local rules or statutes are unclear, “reasonable cause” becomes a judgement issue. In such cases, judges may or may not agree on certain conditions for exempting a client. For example, families that are currently in counseling may request an exemption because they believe they are getting the same information in counseling that they would receive in the divorce education program. In any case, if a client wishes to be exempted, he/she must motion the court to be relieved of the court order and abide by the judge’s rule on the merits of the motion. Of course, it must be recognized that this is yet another expense for the client. Clients should not be exempted from the program because of domestic violence. Safeguards should be put in place, such as security and confidentiality regarding where a victim of domestic violence will attend a program.

Occasionally, a person residing in another state will request permission to attend a program in the community Where they reside. Since a number of programs are offered across the country, there may be another program , which the court can order the client to utilize. Allowing clients to be exempted from the program again is left to the

discretion of the judge unless it is addressed in the local rule or statute.

How will the courts know that the clients have attended or not attended the program?

When a court mandates a program, there should be some way to ensure compliance. This may be accomplished through computer tracking, sign-in sheets and completion of the program certificates. Certificates of completion can be provided to: 1) participants, 2) court, and 3) program personnel.

What happens when a client does not attend or finish the program?

There will be a percentage of clients who will not adhere to court orders; therefore, you must be prepared to deal with this situation. One option is to suggest no visitation until the parent attends the program. Additionally, the court always has the option of holding clients in contempt of court, which could entail a variety of options for the judge. Judges should outline conditions for contempt in the local rule or statute.

Although both parents should be required to attend the program, the petitioner should not be penalized by not being granted a divorce because the other parent refused to attend. On the other hand, if the respondent complies and the petitioner does not, the decree need not be signed until the petitioner complies. This is an issue that may need to be addressed in the local rule or statute. It is important that the judge be given information regarding clients who are not in compliance. This allows the judge an opportunity to make a decision before the divorce decree is signed and the clients are still properly before the court.

VIII. Special Needs

How will the program handle handicapped clients, i.e. the hearing impaired, the physically handicapped?

There must be written policy regarding these issues. All programs must be offered in a handicapped accessible building. The program must be prepared to provide additional services to assist those with handicaps. It would not be appropriate to excuse a client from attending a program because of a handicap.

Will the program provide language interpreters?

This is a decision that needs to be made in advance since providing this service may entail costs. There may be local interpreters in your area that may be willing to provide this service at a reduced cost or may be willing to volunteer their services for free.

Will security personnel be necessary?

This is a local matter to be determined by the court, facilitators, and program personnel. Generally, local security personnel including bailiffs and sheriffs are ideal for security. Parents in some counties attend the same sessions, while parents in other counties are encouraged to attend separately. In either case, security for participants and facilitators should be a priority. Any program must give this issue serious consideration since the incidence of domestic violence and abuse increase significantly after a divorce petition is filed.

Look for part IV in our next issue when we will discuss evaluation of the program, outcomes you can evaluate, what you should look for in an evaluator and the costs of the evaluation. Correspondence concerning this article should be addressed to Mary Lou Cambron, Jefferson Family Court, 700 West Jefferson Street, Louisville, Kentucky 40202-4730 or Pamela Yankeelov, Kent School of Social Work, University of Louisville, Louisville, Kentucky, 40292.

Administrative Office of the Courts
Department of Family Courts
100 Millcreek Park
Frankfort, KY 40601-9230